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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,282

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Tatsuya Kato

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7590

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EXAMINER

PHAM, VAN T

ART UNIT

PAPER NUMBER

2656

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/519,282

Applicant(s)

KATO ET AL.

Examiner

VAN T. PHAM

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2656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ~~1. ☒ Certified copies of the priority documents have been received.~~
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

1. The drawings 2-3, and 5 are objected to because the “black boxes” are required to be descriptively labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation “after the first test signal was once influenced by across erasing of data and an amplitude A_s and jitter J_s of a reproduced signal obtained by reproducing the first test signal after an influenced of cross erasing of data on the first test signal was saturated” or “calculating a third parameter as a function of a difference between jitter J_s of the reproduced signal” or “sequentially projecting the laser beam onto a third track, a fourth track and a fifth track formed on the data rewritable type

optical recording medium to be adjacent with each other in this order, thereby recording the first test signal thereon” or “reproducing the first test signal recorded on the fourth track” or “reproducing the first test signal recorded on the fifth track” or “directly overwriting the first test signal recorded on the third track and the first test signal recorded on the fifth track with the first test signal until an influence of cross erasing of data on the first test signal recorded on the fourth track has become saturated” or “reproducing the first test signal recorded on the fourth track” or “measuring an amplitude and jitter of the thus obtained reproduced signal, thereby obtaining the amplitude A_s and the jitter J_s , calculating the second parameter and the third parameter” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 3 is objected to because of the following informalities:

Claim 3, line 7 and 10, both have phrases “reproducing the first test signal recorded on the fourth track” should be cancelled one of them.

Appropriate correction is required.

Abstract

5. The abstract of the disclosure is objected to because it is too long and which cannot be longer than 500 words and it has to be in one paragraph. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

There is inadequate disclosure of how to make and use the invention of claims 1-7. The disclosure does not explain how to obtain an amplitude As and jitter Js of a reproduced signal or “after the first test signal was once influenced by across erasing of data and an amplitude As and jitter Js of a reproduced signal obtained by reproducing the first test signal after an influenced of cross erasing of data on the first test signal was saturated” or “calculating a third parameter as a

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function of a difference between jitter J_s of the reproduced signal” or “sequentially projecting the laser beam onto a third track, a fourth track and a fifth track formed on the data rewritable type optical recording medium to be adjacent with each other in this order, thereby recording the first test signal thereon” or “reproducing the first test signal recorded on the fourth track” or “reproducing the first test signal recorded on the fifth track” or “directly overwriting the first test signal recorded on the third track and the first test signal recorded on the fifth track with the first test signal until an influence of cross erasing of data on the first test signal recorded on the fourth track has become saturated” or “reproducing the first test signal recorded on the fourth track” or “measuring an amplitude and jitter of the thus obtained reproduced signal, thereby obtaining the amplitude A_s and the jitter J_s , calculating the second parameter and the third parameter” or “an amplitude AA_0 of the reproduced signal obtained by reproducing the second test signal before the second test signal is influenced by cross erasing of data and an amplitude AA_1 of the reproduced signal” or “calculating a fourth parameter based on the amplitudes AA_0 and AA_1 of the reproduced signals obtained by reproducing the second test signals as a function of a difference between the amplitude AA_0 of the reproduced signal obtained by reproducing the second test signal before the second test signal is influenced by cross erasing of data and the amplitude AA_1 of the reproduced signal”.

Hence there would be undue experimentation for one of skill in the art to make and use the invention.

Cited References

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to:

- a. Recording power adjusting method and optical information record apparatus using the same (Okubo et al. US 2003/0147321).
- b. Optical disc apparatus and information recording apparatus using the optical disc apparatus (Shiozawa et al. US 6,765,850).
- c. Optical disk apparatus having optimized focus shift mechanism control (Matsumoto et al. US 5,828,636).
- d. Information recording method and optical disc apparatus (Ushiyama et al. US 2002/01763338).
- e. Optical disc apparatus (Takeda US 6,898,163).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP

WAYNE YOUNG
SUPERVISORY PATENT EXAMINER

